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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/714,864 | 11/18/2003 | Yasuhiro Ueki | 0124/0019 | 9361 |
| 21395 | 7590 | 05/31/2007 | | |
| LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314 | | | EXAMINER HALEY, JOSEPH R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2627 | |
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| | | | 05/31/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,864

Applicant(s)

UEKI, YASUHIRO

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki (US 6285632) in view of Florczak et al. (US 5640382).

In regard to claim 1, Ueki teaches rotating the recording medium; enabling a lead to reproduce the first and second information signals from the first and second places in the recording medium on a time sharing basis to get first and second reproduced signals respectively (fig. 2 see also column 3 lines 51-55); temporarily storing the first and second reproduced signals in a buffer memory (fig. 2 elements 19a and 19b); outputting the first and second reproduced signals from the buffer memory at first and second transfer rates respectively (elements Ra and Rb); transmitting the first and second reproduced signals from the head to the buffer memory on a time sharing basis and at a third transfer rate higher than the first and second transfer rates (column 3 lines 40-44); and deciding at least one of (1) an information amount of the first reproduced signal continuously transmitted from the head to the buffer memory and (2) an information amount of the second reproduced signal continuously transmitted from the head to the buffer memory on the basis of a given relation among parameters including (a) a time interval taken by the head to move from the first place to the

second place, (b) a time interval taken by the head to move from the second place to the first place, (c) a time interval taken by the head to move its focus from the first signal recording layer to the second signal recording layer, (d) a time interval taken by the head to move its focus from the second signal recording layer to the first signal recording layer, (e) the first transfer rate, (f) the second transfer rate, and (g) the third transfer rate (column 3 line 67); however, Ueki does not teach plural recording layers.

Florczak et al. teaches plural recording layers (fig. 1).

The two are analogous art because they both deal with the same field of invention of optical media.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Ueki with the plural layers of Florczak et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Ueki with the plural layers of Florczak et al. because it would provide a disc with more information storage capability.

Claims 2 and 3 share similar limitations as claim 1 and are rejected on the same basis as claim 1 above.

Response to Arguments

Applicant's arguments filed 3/2/07 have been fully considered but they are not persuasive. In regard to claims 1-3, applicant argues that Ueki does not teach "(c) a time interval taken by the head to move its focus from the first signal recording layer to the second signal recording layer, (d) a time interval taken by the head to move its focus from the second signal recording layer to the first signal recording layer". However the

examiner maintains this rejection because the claim limitation only requires the limitations (1) or (2) are met. Furthermore; if the claim were to require both of limitations (1) and (2), only two limitations among limitations a-f are required. Therefore steps c and d are not required by the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujinami (US 6178147) teaches storage capacity means that is set on the basis of data transfer rates and seek times.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

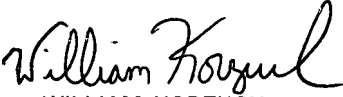
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh


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